

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	:	No.: 4:16-cv-02485
	:	
Plaintiff,	:	(Judge Brann)
	:	
v.	:	
	:	
ROBERT D. STUMPH, JR.,	:	
	:	
Defendant.	:	

**MEMORANDUM OPINION**

**JUNE 2, 2017**

**FINDINGS:**

1. On December 16, 2016, Plaintiff, the United States of America, filed its Complaint in this action against the Defendant, Robert D. Stumph, Jr., ECF No. 1;
2. On March 2, 2017, service of the operative Summons and Complaint was personally made upon the Defendant at SCI Retreat, 660 State Route 11, Hunlock Creek, Luzerne County, Pennsylvania, in accordance with Federal Rule of Civil Procedure 4(e), ECF No. 4;
3. The Defendant has failed to timely answer Plaintiff's Complaint;

4. On April 10, 2017, the Clerk of Court entered Default as to the Defendant, ECF No. 10;
5. On April 10, 2017, Plaintiff moved for entry of Default Judgment as to the claims advanced in its Complaint against the Defendant, ECF No. 7;
6. The Defendant has failed to respond to Plaintiff's Motion for Default Judgment within the time period set forth in the Local Rules;
7. The Defendant has failed to make an appearance in this action;
8. Plaintiff's claim is for \$208,457.85 plus interest accruing upon the unpaid balance from August 24, 2016 at the daily rate of \$23.53 due on a June 28, 2007 loan from the United States Department of Agriculture in the principal amount of \$141,600.00, ECF No. 1 at 1;
9. Accordingly, Plaintiff's claim "is for a sum certain or a sum that can be made certain by computation" as contemplated by Federal Rule of Civil Procedure 55(b)(1); and
10. Counsel for Plaintiff swears that, upon reasonable investigation, the Defendant is not believed to be presently in the military service of the United States, and in fact, the Defendant appears to be a state inmate; ECF No. 9;

11. On April 28, 2017, this Court issued a Notice and Order to Show Cause, ECF No. 11, directing as follows:

**IT IS HEREBY ORDERED** that the Defendant, within twenty-one (21) days of this Notice and Order to Show Cause and no later than **May 19, 2017 at 5:00 p.m.**, shall **SHOW CAUSE** as to why this Court should not grant Plaintiff's Motion for Default Judgment. In the event that the Defendant fails to show cause, the Defendant is **NOTICED** that this Court will grant Plaintiff's Motion for Default Judgment in full and will immediately award Plaintiff the entirety of the relief it seeks.

12. In that same Order, I directed the Clerk of Court to mail a copy of the same to the Defendant at the following addresses of record:

**Robert D. Stumph, Jr.  
660 State Route 11  
Hunlock Creek, PA 18621**

**Robert D. Stumph, Jr.  
301 ½ S. Elmer Avenue  
Sayre, PA 18840**

**Robert D. Stumph, Jr.  
48 Pleasant Street  
Sayre, PA 18840**

13. The Clerk mailed a copy of the Notice and Order to Show Cause as directed;

14. On May 8, 2017, the Court received notice that its April 28, 2017 mailing was returned undeliverable solely as to Mr. Stumph's SCI Retreat address in Hunlock Creek address. ECF No. 13. The envelope contained a check next to the category "Missing inmate number." *Id.*;
15. Accordingly and out of an abundance of caution, the Court mailed an additional copy of its April 28, 2017 Order to Mr. Stumph at the below corrected address on May 9, 2017, ECF No. 14:

**Robert D. Stumph, Jr.**  
**LV6167**  
**SCI Retreat**  
**660 State Route 11**  
**Hunlock Creek, PA 18621**

16. No subsequent undeliverable notice has been returned to the Court;
17. The Court has extended the responsive deadline to account for the time elapsed between the April 28, 2017 mailing and the May 9, 2017 corrected mailing;
18. As of today's date, no response has been received from the Defendant.

**CONCLUSION:**

The Plaintiff, the **UNITED STATES OF AMERICA**, is entitled to the entry of default judgment, the Defendant, **ROBERT D. STUMPH, JR.**, having failed to show cause and having been noticed that this Court will grant Plaintiff's Motion for Default Judgment in full and will immediately award Plaintiff the entirety of the relief it seeks in the event of such failure. Accordingly, Plaintiff's Motion for Default Judgment, ECF No. 7, is **GRANTED**.

An appropriate Order follows.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

United States District Judge